

PATENT APPLN. NO. 09/995,863
RESPONSE UNDER 37 C.F.R. § 1.116

**PATENT
FINAL**

REMARKS

Claims 1 and 10 have been amended to limit the thin film of the electrode of the invention to an amorphous silicon thin film, a microcrystalline silicon thin film, an amorphous germanium thin film, a microcrystalline germanium thin film, an amorphous silicon-germanium alloy thin film, or a microcrystalline silicon-germanium alloy thin film (as recited in claims 9 and 13) that is deposited on the roughened surface of the metallic foil current collector by sputtering, CVD, vacuum evaporation, thermal spraying, electric plating or electroless plating. The limitation relating to the method of depositing the thin film is supported in the specification on page 3, lines 16-24. Claims 9 and 13 have been cancelled.

The claims as amended are patentable over the prior art and, particularly, the prior art cited in the final action. In the final action, the Office has maintained the rejections made in the first action of claims 1-5 under 35 U.S.C. §102(b) as being anticipated by each of Suhara et al. (U.S. Patent No. 6,195,251) ("Suhara"), Kabata et al. (U.S. Patent No. 5,900,336) ("Kabata"), Ohsawa (U.S. Patent No. 5,162,178) and Satou et al. (U.S. Patent No. 6,117,589) ("Satou") and the rejections of claims 10-12 under 35 U.S.C. §102(b) as being anticipated by each of Chang (U.S.

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Patent No. 5,542,163) ("Chang") and Satou. The Office has also maintained the rejections of claim 13 under 35 U.S.C. §103(a) as being unpatentable over Chang or Satou; of claims 6-8 under 35 U.S.C. §103(a) as being unpatentable over Suhara, Kabata, Ohsawa, or Satou in combination with Chang, and claim 9 under 35 U.S.C. §103(a) as being unpatentable over Suhara, Kabata, Ohsawa or Satou.

Initially, applicants note that the rejections based on Satou are not correct. Satou is directed to an electrode tab and discloses nothing relating to a method for fabricating an electrode for a lithium battery as recited in the claims of the application.

The rejections under 35 U.S.C. § 102 over Suhara, Kabata and Chang have been overcome by limiting the thin film of the electrode of the present invention to one deposited by sputtering, CVD, vacuum evaporation, thermal spraying, electric plating, or electroless plating. The "thin films" of these references are formed from a paste or liquid. The rejection under 35 U.S.C. § 102 over Ohsawa is overcome because Ohsawa does not disclose depositing a thin film as recited in claim 9 or 13 by sputtering, CVD, vacuum evaporation, thermal spraying, electric plating, or electroless plating. Additionally, in Ohsawa an alkali metal layer (lithium layer) is described as having a smooth surface (see col. 7, line 68, and col. 9, line 1) and as preventing the formation of

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dendrites when the battery is repeatedly charged and discharged (see col. 7, lines 20-21). Thus, contrary to the suggestion in the final action, Ohsawa itself describes that the thin film disclosed therein would not inherently have irregularities corresponding to irregularities on the metal foil collector and would not have gaps formed therein when expanded and shrunk.

Accordingly, the 35 U.S.C. § 102 rejections do not apply to the claims, particularly as amended, and removal of the 35 U.S.C. § 102 rejections is in order.

The 35 U.S.C. § 103(a) rejections of claims 6-8, 9 and 13 are not proper since the claims on which these claims depend have been shown to be patentable.

The foregoing is believed to be a complete and proper response to the Office Action dated October 28, 2003, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 211833.

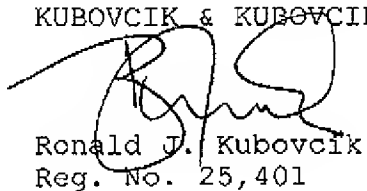
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In the event any additional fees are required, please also
charge our Deposit Account No. 111833.

Respectfully submitted,

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